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Rep. Duncan

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Office of Legislative Counsel

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Honorable Robert Duncan  
House of Representatives  
Washington, D. C. 20515

Dear Bob:

I enjoyed talking to you today. Here are the materials I promised on H.R. 7308.

The important thing to avoid is not to get caught up in the heavy rhetoric against involving the Judiciary in these questions. This is a tightly drafted and very complex bill in which the special court, which will be granting warrants in national security surveillance cases, will have extremely limited powers of discretion. As I said over the phone, they will not be substituting their judgment for ours on the question of need for the intelligence. The advantages to the Intelligence Community are manifold. Primarily the bill will settle law in an area in which we have been hampered heretofore: the fear of being sued by those responsible for the taps, i.e., FBI agents and communications common carriers who are responsible for identifying the lines of communication.

The bill will be up for a vote after the Labor Day recess. Chairman Boland and Morg Murphy are good people to talk to if you have any questions up there on these points. I will check back with you after the holiday to see what you think.

Sincerely,

/s/

Frederick P. Hitz  
Legislative Counsel

Enclosures

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